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4 IN THE UNITED STATES DISTRICT COURT

5 FOR THE NORTHERN DISTRICT OF CALIFORNIA

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7 MARIE DEMARTINI, individually and on  
behalf of all others similarly situated,  
8 Plaintiff,  
9 v.  
10 SAFELITE FULFILLMENT, INC.  
11 Defendant.

Case No. 20-cv-05952-MMC

**ORDER GRANTING PLAINTIFF'S  
MOTION TO CONSOLIDATE  
ACTIONS; VACATING HEARING**

12 WILLIE AUSTIN, JR., an individual, on  
behalf of himself and on behalf of all  
13 persons similarly situated,  
14 Plaintiff,  
15 v.  
16 SAFELITE FULFILLMENT, INC.,  
17 Defendant.

Case No. 21-cv-00191-MMC

**ORDER DENYING DEFENDANT'S  
MOTION TO STAY; VACATING  
HEARING**

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19 Before the Court are two motions: (1) plaintiff Marie DeMartini's ("DeMartini")  
20 Motion to Consolidate, filed May 7, 2021, in DeMartini v. Safelite Fulfillment, Inc., Case  
21 No. 20-cv-5952 ("DeMartini Action"), whereby DeMartini seeks an order consolidating the  
22 DeMartini Action with Austin v. Safelite Fulfillment, Inc., Case No. 21-cv-00191 ("Austin  
23 Action"); and (2) defendant Safelite Fulfillment, Inc.'s ("Safelite") Motion to Stay, filed May  
24 21, 2021, in the Austin Action, whereby Safelite seeks, in lieu of consolidation, an order  
25 staying the Austin Action and proceeding solely on the DeMartini Action. The motions  
26 have been fully briefed.

27 Having read and considered the papers filed in support of and in opposition to the  
28 motions, the Court deems the matters appropriate for decision on the parties' respective

1 written submission, VACATES the hearing scheduled for June 25, 2021, and, for the  
2 reasons stated by plaintiffs, finds consolidation of the DeMartini and Austin Actions  
3 preferable to a stay of the Austin Action.

4 Accordingly:

5 1. DeMartini's Motion to Consolidate is hereby GRANTED, conditioned on  
6 plaintiffs' filing in the DeMartini Action and no later than July 2, 2021, a Consolidated  
7 Complaint in which plaintiffs set forth all claims alleged on behalf of both plaintiffs.

8 2. Safelite's Motion to Stay is hereby DENIED.

9 **IT IS SO ORDERED.**

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11 Dated: June 22, 2021

  
MAXINE M. CHESNEY  
United States District Judge